

106TH CONGRESS
2D SESSION

H. R. 5180

To amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2000

Mr. BASS (for himself, Mr. FRANKS of New Jersey, Mr. HORN, Mrs. MORELLA, and Mr. BEREUTER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Individuals with Disabilities Education Act to provide full funding for assistance for education of all children with disabilities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mandatory IDEA Full
5 Funding Act of 2000”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to attain the Federal Gov-
8 ernment’s goal under part B of the Individuals with Dis-
9 abilities Education Act (20 U.S.C. 1411 et seq.) of pro-

1 viding 40 percent of the national current average per pupil
 2 expenditure to assist States and local educational agencies
 3 with the excess costs of educating children with disabilities
 4 and to make such funding mandatory.

5 **SEC. 3. AMOUNT OF GRANT FOR STATES UNDER PART B OF**
 6 **THE INDIVIDUALS WITH DISABILITIES EDU-**
 7 **CATION ACT.**

8 (a) IN GENERAL.—Section 611(a) of the Individuals
 9 with Disabilities Education Act (20 U.S.C. 1411(a)) is
 10 amended—

11 (1) by redesignating paragraph (2) as para-
 12 graph (3); and

13 (2) by inserting after paragraph (1) the fol-
 14 lowing:

15 “(2) MINIMUM AMOUNTS.—The minimum
 16 amount of the grant a State shall receive under this
 17 section is—

18 “(A) the number of children with disabil-
 19 ities in the State who are receiving special edu-
 20 cation and related services—

21 “(i) aged 3 through 5 if the State is
 22 eligible for a grant under section 619; and

23 “(ii) aged 6 through 21; multiplied by

24 “(B) the following percentages of the aver-
 25 age current per-pupil expenditure in public ele-

mentary and secondary schools in the United States for the following fiscal years:

“(i) 20 percent for fiscal year 2002;

“(ii) 25 percent for fiscal year 2003;

“(iii) 30 percent for fiscal year 2004;

“(iv) 35 percent for fiscal year 2005;

and

“(v) 40 percent for fiscal year 2006

and each subsequent fiscal year.”.

(b) CONFORMING AMENDMENTS.—(1) Section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411) is amended by striking subsection (j).

(2) Section 611 of the Individuals with Disabilities Education Act (20 U.S.C. 1411), as amended by paragraph (1), is further amended—

(A) in subsection (b)(1), by striking “From the amount appropriated for any fiscal year under subsection (j), the Secretary shall reserve not more than one percent, which shall be used” and inserting “From the amount available for any fiscal year to carry out this part (other than section 619), the Secretary shall use not more than one percent”;

(B) in subsection (c), by striking “From the amount appropriated for any fiscal year under subsection (j), the Secretary shall reserve” and inserting

1 “From the amount available for any fiscal year to
 2 carry out this part (other than section 619), the
 3 Secretary shall use”;

4 (C) in subsection (d)—

5 (i) in paragraph (1)—

6 (I) by striking “(1) IN GENERAL.—”;

7 and

8 (II) by striking “paragraph (2) or
 9 subsection (e), as the case may be” and in-
 10 sserting “subsection (e)”; and

11 (ii) by striking paragraph (2);

12 (D) in subsection (e)—

13 (i) in the heading, by striking “PERMA-
 14 NENT”;

15 (ii) in paragraph (1)—

16 (I) by striking “subsection (d)(1)”

17 and inserting “subsection (d)”; and

18 (II) by inserting after “subsection (j)”

19 the following: “(as such subsection was in

20 effect on the day before the date of the en-

21 actment of the Mandatory IDEA Full

22 Funding Act of 2000)”; and

23 (iii) in paragraph (3)(B)—

24 (I) in clause (ii)—

1 (aa) in subclause (I)(bb), by
 2 striking “amount appropriated under
 3 subsection (j)” and inserting “amount
 4 available to carry out this part (other
 5 than section 619)”;

6 (bb) in subclause (II)(bb), by
 7 striking “appropriated” and inserting
 8 “available”; and

9 (cc) in subclause (III)(bb), by
 10 striking “appropriated” and inserting
 11 “available”; and

12 (II) in clause (iii)(II), by striking “ap-
 13 propriated” and inserting “available”;

14 (E) in subsection (g)—

15 (i) in paragraph (2)—

16 (I) by striking subparagraph (A);

17 (II) by striking “(B) PERMANENT
 18 PROCEDURE.—”;

19 (III) by redesignating clauses (i) and
 20 (ii) and subclauses (I) and (II) as subpara-
 21 graphs (A) and (B) and clauses (i) and
 22 (ii), respectively; and

23 (IV) in subparagraph (B) (as redesign-
 24 ated), by striking “clause (i)” and insert-
 25 ing “subparagraph (A)”; and

1 (ii) in paragraph (3)(A)—

2 (i) in clause (i)(I), by striking “appro-
3 priated” and inserting “available”;

4 (ii) in clause (ii), by striking “appro-
5 priated” and inserting “available”; and

6 (F) in subsection (i)(3)(A), by striking “appro-
7 priated under subsection (j)” and inserting “avail-
8 able to carry out this part (other than section 619)”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on October 1, 2001.

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